

No.

200400277



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pure Seed Testing, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Apache III'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifteenth day of June, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and The Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

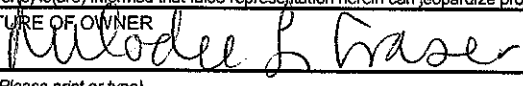

1. NAME OF OWNER Pure Seed Testing, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME PST-5A1		3. VARIETY NAME Apache III	
4. ADDRESS (Street and No., or RFD No., City, State, and ZIP Code, and Country) PO Box 478-449 Rolesville, NC 27571 Hubbard, OR 97032 (ST: 8/4/2006)		5. TELEPHONE (include area code) 919-556-0146 503.263.0719		FOR OFFICIAL USE ONLY PVPO NUMBER 200400277	
6. FAX (include area code) 919-556-0174 503.263.0703		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Oregon	
9. DATE OF INCORPORATION 1975		10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Melodee Fraser, Ph.D. PO Box 176 Rolesville, NC 27571		11. FILING AND EXAMINATION FEES: \$ 3652- DATE 7/27/04 CERTIFICATION FEE: \$ 768.00 DATE 6/7/2007	
12. TELEPHONE (Include area code) 919-556-0146		13. FAX (Include area code) 919-556-0174		14. E-MAIL mlkfraser@aol.com	
15. CROP KIND (Common Name) tall fescue		16. FAMILY NAME (Botanical) Gramineae		17. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT COMMERCIALIZATION.	
18. GENUS & SPECIES NAME OF CROP Festuca arundinacea		19. IS THE VARIETY A FIRST GENERATION HYBRID? No		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes," answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no," go to item 23)	
21. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		23. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		25. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		26. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.	
SIGNATURE OF OWNER 		SIGNATURE OF OWNER 			
NAME (Please print or type) Melodee L. Fraser		NAME (Please print or type) Crystal A. Rose-Fricker			
CAPACITY OR TITLE Director of Research - East		CAPACITY OR TITLE President		DATE 7/19/04	
DATE 10 Mar 04					

Exhibit A

Origin and Breeding History of 'Apache III' Tall Fescue

'Apache III' (PST-5A1) tall fescue was developed and released by Pure-Seed Testing, Inc., Hubbard, OR. The goal of the breeding project that produced Apache III was to improve the turf quality and disease resistance of 'Apache II' tall fescue. During the spring of 2000, 23 plants with similar phenotypes were selected from tall fescue nurseries near Hubbard. These were transplanted, prior to anthesis, into an isolated polycross designated 5A3. Twelve of these plants were selected from Apache II; five traced their maternal origin to 'OnCue'; four traced their origin to population 3000 from the New Jersey Agricultural Experiment Station (NJAES) tall fescue breeding program and two traced their origin to population PST-57E, which traced to 14% 'Apache'. The plants in the 5A3 polycross were allowed to interpollinate during the summer of 2000. Seed was subsequently harvested from 22 plants.

During the fall of 2000, an isolated 7500-plant tall fescue nursery, designated 5A1, was planted near Hubbard. This nursery consisted of 2700 plants from NJAES population BE3, which traced to 16% Apache; 2050 plants from seed harvested from population 5A3, described above; 1300 plants from Apache II that had survived in a greenhouse salt bath at 12 ppt NaCl; 975 plants that were selected from turf plots with good brown patch resistance near Rolesville, NC; 400 plants from Apache II that were selected for summer survival near Rolesville and 25 plants each from 'Silverstar', 'Jaguar 3' and population PST-R5LT, which traced to 'Bonanza II' and 'Coronado'. Rows of these tall fescues were planted randomly into population 5A1. During the spring of 2001, plants were removed from this nursery prior to anthesis to increase uniformity of plant type and maturity. Remaining plants were allowed to interpollinate during the spring of 2001 and Breeder seed of Apache III was subsequently harvested from 1105 plants.

The plants that were harvested to produce the Breeder seed of Apache III traced their origins to the following sources: 33% to population 5A3, described above; 30% to Apache II; 27% to BE3, described above; 2% to Coronado; 2% to population PST-5F8, which traced to 'Safari'; 1.5% to 'Olympic Gold'; 1.5% to a plant collected in Holly Springs, MS; 1% to 'Durango'; 1% to 'Endure' and 1% to a plant collected on the campus of the University of Georgia, Athens, during 1977.

Seed production of Apache III is limited to three generations of increase from Breeder seed: one each of Foundation, Registered and Certified. Pure-Seed Testing, Inc. maintains Breeder seed in Oregon. Apache III has shown uniformity and stability through the Certified seed generation. No off-types or variants have been observed in the production or multiplication of Apache III tall fescue.

Exhibit B**Statement of Distinctness for Apache III Tall Fescue**

Apache III is most similar to 'Apache II' tall fescue. They differ in the following characteristics:

1. Apache III has a mean plant height at least 11.9 cm shorter than Apache II (Tables 1, 2).
2. Apache III has a mean internode length at least 1.5 cm shorter than Apache II (Tables 1, 2).
3. Apache III has a mean tiller leaf length at least 2.8 cm shorter than Apache II (Tables 1, 2).
4. Apache III has a mean tiller leaf width at least 0.5 mm narrower than Apache II (Tables 1, 2).
5. Apache III has a mean flag leaf length at least 2.7 cm shorter than Apache II (Tables 1, 2).
6. Apache III has a mean panicle length at least 3.7 cm shorter than Apache II (Tables 1, 2).

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotope, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

EXHIBIT C
(TALL & MEADOW FESCUES)

200400277

3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)

4. MATURITY: (continued)

200400277

6 = Bonanza

7 = Late (Silverado)

8 = ()

9 = Very late

Date Headed **14 May 02**

Location **Hubbard, OR (Table 3)**

_____ Days earlier than _____
 Maturity same as **8**
 _____ Days later than _____

} Comparison Variety

* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms * INTERNODE LENGTH CM: (Table 1)

from crown to top of panicle, if panicle is nodding, straighten) (First internode subtending the flag leaf)

78.0 cm Height

13.4 cm Internode Length

52.5 cm Shorter than **1**

14.0 cm Shorter than **1**

Height same as _____

Length same as _____

_____ cm Taller than _____

_____ cm Longer than _____

} Comparison Variety

} Comparison Variety

* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf collar) (Table 1)

37.4 cm Height

33.9 cm Shorter than **1**

Height same as _____

_____ cm Taller than _____

} Comparison Variety

* 6. GROWTH HABIT: (Mature Plants)

7 1 = Prostrate ()

3 = Semiprostrate ()

5 = Horizontal ()

7 = Semierect (Rebel)

9 = Erect (Mini Mustang)

* 7. RHIZOMES (Psuedo):

1 mm Length _____ 1 = Absent ()

2 = Rare (Rebel)

3 = Common ()

* 8. LEAF BLADE: (Tiller leaves/ turf color)

***7** Color: 1 = Light green ()

3 = Medium light green ()

5 = Green ()

7 = Medium dark green ()

9 = Very dark green ()

5 Specify rating of comparison variety **8**

***1** Anthocyanin: 1 = Absent ()

9 = Present ()

***1** Basal Hairs: 1 = Absent ()

9 = Present ()

***5** Margins: 1 = Smooth ()

5 = Semi-rough ()

9 = Rough ()

8. LEAF BLADE: (continued)

200400277

- * **5** Width Class: 1 = Very coarse () 3 = Coarse () 5 = Medium ()
7 = Fine () 9 = Very Fine ()

* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf) (Table 1) * TILLER LEAF WIDTH MM: (Table 1)

14.5 cm Tiller Leaf Length
9.4 cm Shorter than 1
Length same as _____
_____ cm Taller than _____
Comparison Variety

6.7 mm Tiller Leaf Width
1.8 mm Narrower than 1
Width same as _____
_____ mm wider than _____
Comparison Variety

FLAG LEAF LENGTH CM: (Table 1)

10.9 cm Flag Leaf Length
6.3 cm Shorter than 1
Length same as _____
_____ cm Longer than _____
Comparison Variety

FLAG LEAF WIDTH MM: (Table 1)

5.8 mm Flag Leaf Width
0.8 mm Narrower than 1
Width same as _____
_____ mm Wider than _____
Comparison Variety

* 9. LEAF SHEATH: (Basal Portion)

- ***1** Anthocyanin (seedling): 1 = Absent (K31) 9 = Present ()
***9** Auricle Hairiness: 1 = Absent () 9 = Present ()

* 10. PANICLE: (At seed maturity except where noted.)

- ***1** Shape: 1 = Narrow-tapering () 5 = Ovate () 7 = Oblong () 9 = Other (specify)
***5** Type: 1 = Compact (appressed) 5 = Intermediate () 7 = Open () 9 = Other (specify)
***1** Orientation: 1 = Nodding () 9 = Erect ()
***9** Branch Pubescence: 1 = Glabrous () 9 = Pubescent ()
***1.4** Anther Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green
4 = Purplish 5 = Reddish 6 = Other (Specify)
***2** Glume Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green
4 = Purplish 5 = Reddish 6 = Other (Specify)

***17.3** cm Panicle Length (from base to tip, if nodding, straighten; after anthesis) (Table 1)

10.3 cm Shorter than 1
Length same as _____
_____ cm Longer than _____
Comparison Variety

* 11. SEED: (With Lemma & Pelea)

* **2904** mg per 1000 seeds

200400277

_____ mg Less than _____
 Weight same as _____
863 mg More than **8**

} Comparison Variety

PALEA: (Keels or Margins)

5 Hairs: 1 = Absent () 5 = Short (Missouri 96) 9 = Long ()

LEMMA:

5 Hairs: 1 = Absent (Kenhy) 5 = Several () 9 = Many (Missouri 96)

5.9 mm Lemma Length (Mature)

1.3 mm Lemma Width

_____ mm Shorter than _____
 Length same as _____
0.2 mm Longer than **8**

} Comparison Variety

_____ mm Narrower than _____
 Width same as **8**
 _____ mm Wider than _____

} Comparison Variety

*AWNS: _____ AWNS: 1 = Absent () 9 = Present (Falcon) **90** % Plants with awns

1.2 mm Awn length (Of those present.)

_____ mm Shorter than _____
 Length same as _____
0.4 mm Longer than **8**

} Comparison Variety

12. DISEASE, INSECT, AND NEMATODE REACTION: (0= Not Tested 1= Least Resistant 9= Most Resistant)

0 Melting-out *Drechslera poae*

0 Blind Seed *Gloeotinia temulenta*

0 Leaf Spot *D. siccans*

7 Dollar Spot *Lanzia, Mollerdiscus* spp.

7 Net Blotch *D. dictyoides*

6 Stem Rust *Puccinia graminis*

5 Brown Patch *Rhizoctonia solani*

0 T. Blight *Typhula incarnata*

0 C. Leaf Spot *Cercospora fectuae*

6 Pythium Blight *Pythium* spp.

0 Pink Snow Mold *Gerlachia nivalis*

0 Powdery Mildew *Erysiphe graminis*

0 Silver Top *F. tricinctum, F. roseum*

6 Crown Rust *Puccinia coronata*

_____ Other Disease _____

_____ Other Insect _____

_____ Other Nematode _____

13. ENVIRONMENTAL STRESS

5 Drought Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

5 Shade Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

5 Winter Stress

1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety 2 = Same as 3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	Apache II	1	Leaf Color	Apache II	3
Panicle Color			Panicle Shape		
Seed Size	Silverado	3	Cold Injury	Apache II	2
Winter Color	Apache II	3	Heat	Apache II	3
Disease	Apache II	3			

* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

A spaced-plant trial was planted fall of 2001 near Hubbard, OR. Twenty-five tillers from each of four replications were measured in June 2002 and 2003.

Exhibit D**Additional Description of Apache III Tall Fescue**

1. Apache III has shown moderate resistance to brown patch (Tables 4, 5) and stem rust (Table 6).

Table 1. 2002 mean morphological measurements for entries in a tall fescue spaced-plant trial planted fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm ²)
Kentucky 31	130.5	71.3	27.4	23.9	8.5	17.2	6.6	27.6	38.3
Apache II	90.6	38.6	19.2	17.3	7.2	13.6	5.9	21.0	61.6
Silverado	84.5	42.5	14.1	14.9	6.7	13.1	6.5	20.5	60.6
Apache III	78.0	37.4	13.4	14.5	6.7	10.9	5.8	17.3	70.9
LSD (0.05)	3.6	2.4	1.1	1.1	0.5	1.0	0.6	1.1	12.1

Table 2. 2003 mean morphological measurements for entries in a tall fescue spaced-plant trial planted fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm ²)
Kentucky 31	145.2	96.4	31.4	37.3	9.4	23.8	8.1	35.7	352.1
Apache II	111.9	60.5	23.0	29.9	5.2	21.4	5.0	25.8	438.3
Silverado	110.7	64.3	21.7	26.0	4.8	18.8	4.5	28.3	397.2
Apache III	100.0	58.7	21.5	21.7	4.5	15.8	3.9	20.5	393.8
LSD (0.05)	6.2	5.5	1.4	1.6	0.4	1.4	0.4	2.7	81.1

Table 3. Mean initial heading dates for entries in a tall fescue spaced-plant trial planted fall of 2001 near Hubbard, OR.

Entry	2002	2003
Matador	16 May	29 April
Apache II	15 May	28 April
Silverado	14 May	27 April
Apache III	14 May	26 April
Kentucky 31	08 May	10 April
LSD (0.05)	2 days	3 days

Table 4. 2002 mean brown patch ratings for entries in national tall fescue turf trials seeded fall of 2001 at six locations in the US.

Entry	AR1	IL2	IN1	OK1	VA1	WI1	Mean
Kentucky 31	8.0 ¹	5.7	8.7	3.0	8.7	8.0	7.0
Tar Heel	7.3	4.3	8.0	3.3	8.0	8.3	6.6
Apache III	8.7	4.3	7.7	2.3	8.0	8.0	6.5
Tar Heel II	7.0	4.3	7.0	2.3	8.3	8.3	6.2
Bonsai	5.7	4.3	7.0	6.0	6.0	6.7	5.9
DP 50-9082	4.3	2.7	6.7	4.7	4.7	7.7	5.1
LSD (0.05)	3.3	3.3	1.5	1.6	2.4	0.9	1.0

¹9 = no disease

Table 5. 2002 mean brown patch and turf quality ratings for entries in a tall fescue turf trial seeded fall of 2001 near Rolesville, NC.

Entry	Brown Patch				Turf Quality				
	31 July	5 Aug	21 Aug	Mean	Jan-Mar	Apr-Jun	July-Sep	Oct-Dec	Mean
Tar Heel II	6.7 ¹	6.7	7.0	6.8	5.7 ²	5.7	6.6	6.2	6.0
Apache III	5.0	4.7	4.7	4.8	5.7	5.6	4.3	4.5	5.0
Apache II	4.3	4.0	4.0	4.1	5.0	5.1	4.2	4.2	4.6
Silverado	3.0	2.3	2.3	2.6	5.3	4.3	2.5	2.2	3.6
Kentucky 31	3.3	4.0	3.3	3.6	3.3	2.5	2.0	2.0	2.5
LSD (0.05)	1.9	1.9	2.0	1.7	1.3	1.3	1.4	1.5	1.1

¹9 = no disease; ²9 = ideal

Table 6. Mean stem rust ratings for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	2002	2003
Kentucky 31	6.0 ¹	6.0
Apache III	5.5	6.0
Matador	7.0	5.5
Apache II	4.0	5.5
Silverado	3.0	5.0
Eldorado	2.0	3.0
LSD (0.05)	2.2	1.8

¹9 = no disease

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)

Pure Seed Testing, Inc.2. TEMPORARY DESIGNATION
OR EXPERIMENTAL NUMBER**PST-5A1**

3. VARIETY NAME

Apache III

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

**PO Box 449
Hubbard, OR 97032**5. TELEPHONE
(include area code)**503-263-0719**

6. FAX (include area code)

503-263-0703

7. PVPO NUMBER

200400277

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

☒ YES☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company?

If no, give name of country _____

☒ YES☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer the following:

a. If original rights to variety were owned by individual(s), is (are the original owner(s) a U.S. national(s)?

☐ YES☐ NO If no, give name of country _____

b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company?

☐ YES☐ NO If no, give name of country _____

11. Additional explanation on ownership (If needed, use reverse for extra space):

Pure Seed Testing, Inc. has licensed Apache III to Turf Seed, Inc.**PLEASE NOTE:**

Plant variety protection can be afforded only to owners (now licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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